

# CAPITAL CRIMES DEFENSE FUND

Kelli Brassfield

Idaho Association of Counties

July 31, 2020



# CCDF CREATION

## 19-863A, Idaho Code

- Created in 1998
  - Purpose to provide funding to cover the costs of criminal defense cases where the death penalty is a legal possibility.
  - Assessments, board administration, and contracting set forth in JPA



# JPA 67-2326, IDAHO CODE

(RENEWED IN 2017)

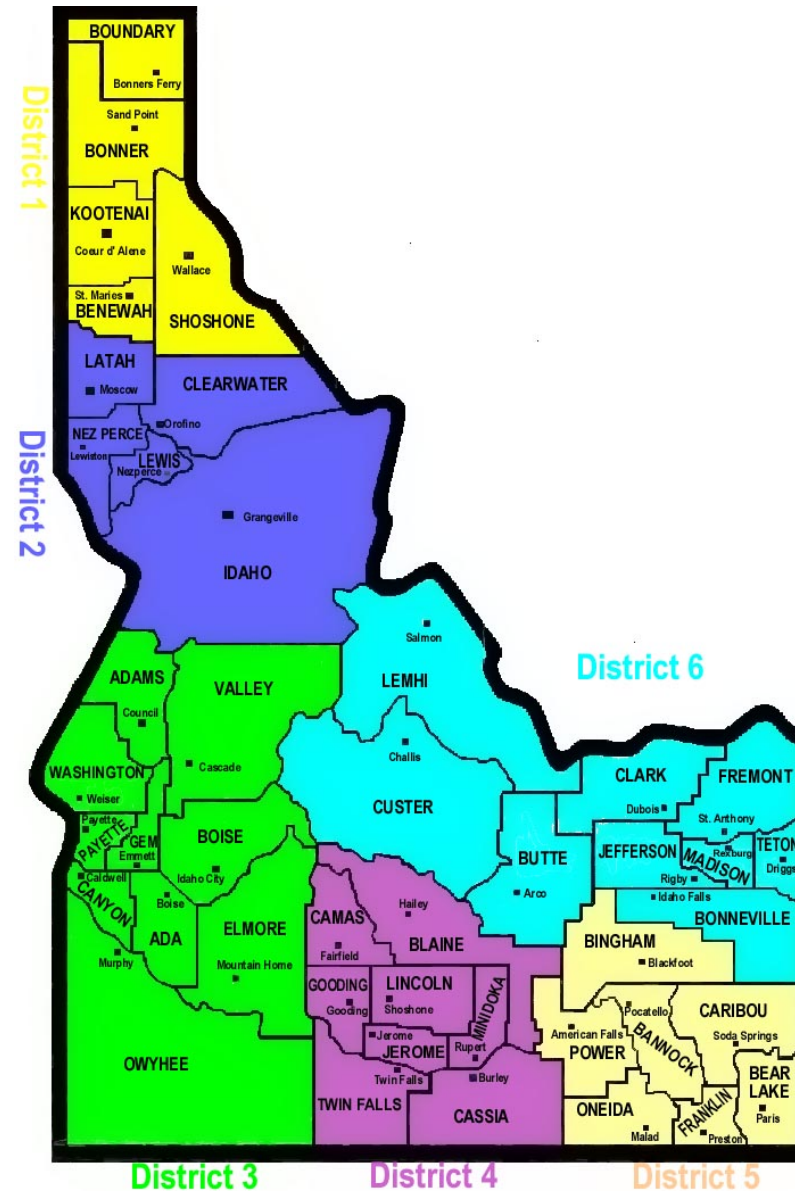
- Set Board members:
  - One member from each IAC District and one at-large member (7 members)
  - Current members: Mike Fitzgerald, Shoshone; Doug Zenner, Nez Perce; Mark Rekow, Gem; Mark Bolduc, Gooding; Whitney Manwaring, Bingham; Greg Shenton, Clark; and Dave McGraw, Latah

Allows for IAC to administer the day to day duties of the fund.

Assessments

Fund management

Case management



# JPA CONT.

- Crime for which the death penalty is sought must have occurred on or after October 1, 1998.
- County Prosecutors must declare he or she is seeking the death penalty no later than 60 days after the entry of a plea.
- Counties submit an application to the CCDF Board.
  - Include the notice to seek the death penalty.
- Counties shall pay a \$10,000 deductible for trial costs.
  - Multiple defendants will each have their own deductible.




# JPA CONT.

- There is no direct relationship between the CCDF and the office of the State Appellate Public Defender (SAPD) other than counties much participate in the CCDF in order to access the services of the SAPD.



# CCDF PROCESS

- Application
- Manual
  - Adopted in 2017
- Spreadsheet



IDAHO  
ASSOCIATION OF  
COUNTIES

WWW.IDCOUNTIES.ORG

3100 VISTA AVE. STE. 200  
BOISE, ID 83701  
208.345.9126

---

**Capital Crimes Defense Fund Application**

Date: \_\_\_\_\_

County: \_\_\_\_\_

Case Name: \_\_\_\_\_ Case #: \_\_\_\_\_

Public Defender (Lead): \_\_\_\_\_

Public Defender (Co-council): \_\_\_\_\_

Original Charge: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Plea Date: \_\_\_\_\_

Death Penalty Notice Date: \_\_\_\_\_ Death Penalty Removal Date: \_\_\_\_\_

Trial Date: \_\_\_\_\_ Estimated Trial Length: \_\_\_\_\_

Expense Estimate: \_\_\_\_\_

(Please note that if at any time the case no longer is a capital case, CCDF requires notice of capital removal.)

Documents Required:

- CCDF Application
- Criminal Information
- Notice to seek the death penalty
- County per diem rate schedule
- Proof of county's \$10,000 deductible has been met
- Completed CCDF spreadsheet for current claims/orders

# MANUAL

- Adopted in 2017
- Includes all policies and procedures
- Includes copy of the JPA and templates for all CCDF documents used.
  - Important for all to understand how the fund is operated and they are able to step in and administer.

# SPREADSHEET

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	County:		Defendant:		Date Capital Implementation:			Date Capital Resinded:						
2														
3	To be filled out by the county requesting reimbursement								To be filled out by CCDF					
4	Date(s) of Service	Payee Name	Payee Category	Expense amount	Expense Category	Ordered to pay by court?	Date of court order	Date of county payment	Date received from county	Court order provided?	Approved by CCDF?	Expense amount approved	Date of CCDF payment	Comments
5	Enter the date(s) of the services rendered		E.g. expert witness, forensic pathologist, mitigation investigator	(\$)	E.g. air fare, labor, lodging, food, car rental, parking	Enter "Y" if yes, "AD" if awaiting a decision, and "N" if rejected by the court.				Enter "Y" if yes, "N" if no.	Enter "Y" if yes, "FD" if CCDF requested further documentation, and "N" if rejected by the board	(\$)		
6	8/25/15	Dan Blocksom	Expert witness	\$5.25	Food	Y	9/15/15	9/20/15	9/25/15	Y	Y	\$5.25	9/28/15	

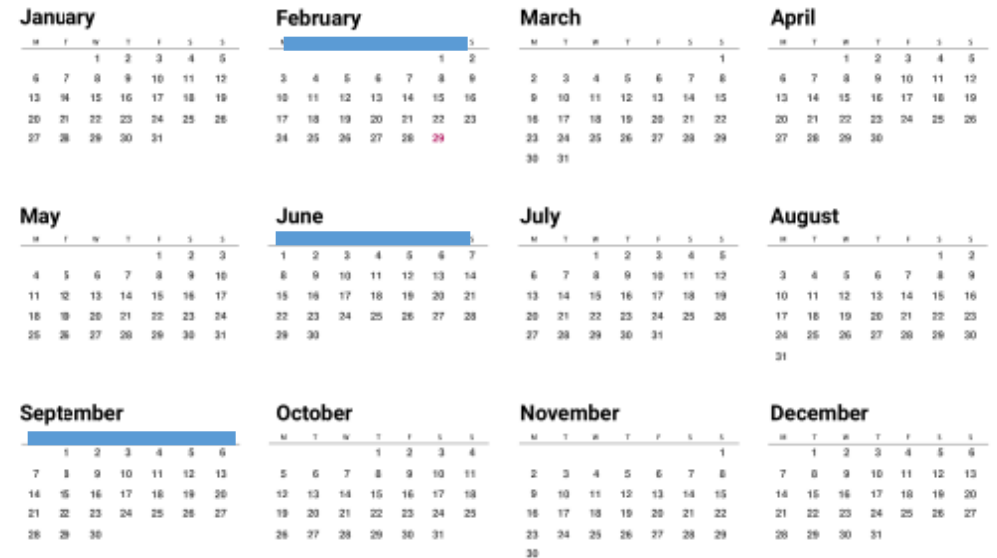


# DATA

- 47 cases since creation in 1998
- 2 Active cases
  - Ada
  - Bannock
- 2 Anticipated Cases
  - Boise
  - Payette?
- \$2,265,204.17 spent from February 2018 to June 2020
  - Average of six cases for each meeting

# MEETING SCHEDULE

- IAC Annual Conference, September
- IAC Midwinter Legislative Conference, February
- Idaho Association of Commissioner's and Clerks, June
- Additional meetings as necessary



# QUESTIONS?

Kelli D Brassfield

Idaho Association of Counties

[kbrassfield@idcounties.org](mailto:kbrassfield@idcounties.org)

208-514-0369 office

208-514-8737

